

Received & Inspected  
FEB 11 2013  
FCC Mail Room

From: "Donawa, Maria" <Maria.DONAWA@sl.universalservice.org>  
Subject: RE: NEW YORK CITY MONTESSORI CHARTER SCHOOL  
Date: January 24, 2012 8:59:16 PM EST  
To: "Paul Le" <erate.apps@gmail.com>

The claim form is not from NY State Department of Education. Can you provide the LEA code for the school?

**From:** Paul Le [mailto:erate.apps@gmail.com]  
**Sent:** Tuesday, January 24, 2012 3:36 PM  
**To:** Donawa, Maria  
**Subject:** Re: NEW YORK CITY MONTESSORI CHARTER SCHOOL

Maria,

I will continue to follow up with him, but in the meantime, I would appreciate an explanation as to why this latest submission doesn't suffice. To me, it meets Option 1, and there is also a letter verifying the data.

Option 1 If the school participates in the National School Lunch Program (NSLP), **please provide a signed copy (preferably by the Principal, Vice-Principal, Superintendent or Director of Food Services) of a Reimbursement Claim Form** that the school sends to the state each month as part of their participation in the program. Make sure that the following three items are identified on the claim form:

- a. The entity name
- b. The total number of students enrolled at the entity
- c. The total number of students eligible for participation in the Free or Reduced Lunch Program for the entity

2 If the school district fills out an aggregate claim form for the school, **please provide a signed letter on school letterhead from a school official (preferably the Superintendent or other chief school official) that lists the enrollment and Free/Reduced information for each school in the district. The enrollment and Free/Reduced information provided in your letter should match the information that appears on the claim form.**

On Jan 24, 2012, at 12:54 PM, Donawa, Maria wrote:

Paul,

Per our procedures department the documentation is not acceptable. Please forward the information to the Mr. Heimsworth for validation.

Maria Donawa  
Associate Manager, PIA  
30 Lanidex Plaza West | Parsippany, NJ 07054  
T: 973.581.5081 | F: 973.599.6578  
[mdonawa@sl.universalservice.org](mailto:mdonawa@sl.universalservice.org)

-----Original Message-----

From: Paul Le [mailto:erate.apps@gmail.com]  
Sent: Tuesday, January 24, 2012 12:32 PM  
To: Donawa, Maria  
Subject: Re: NEW YORK CITY MONTESSORI CHARTER SCHOOL

Hi Maria,

Attached is the letter and the meal claim forms for NYC Montessori. Please let me know if that resolves the issue.

Also, it wasn't clear from your last email whether Brighter Choice Charter Middle School consortium moved forward at 90% eligibility, since

you only wrote that both applications were completed. Please confirm or let me know what is missing with the documentation.

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FCC Mail Room

From: Paul Le <erate.apps@gmail.com>  
Subject: Re: NEW YORK CITY MONTESSORI CHARTER SCHOOL  
Date: January 28, 2012 4:59:07 PM EST  
To: "Donawa, Maria" <Maria.DONAWA@si.universalservice.org>

Hi Maria,

Their LEA code is 3207 0086 1005

The problem with New York City based public school and charter schools that elect to use the city's meal program is that there is NO liaising directly with the NYSED in terms of free/reduced lunch. What do you advise is the best practice (or what is the practice of public or NYC-based schools) to move this forward, because there are definitely 80% FRPL.

P

On Jan 24, 2012, at 8:59 PM, Donawa, Maria wrote

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From: Paul Le [mailto:erate.apps@gmail.com]  
Sent: Tuesday, January 24, 2012 3:36 PM  
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Subject: Re: NEW YORK CITY MONTESSORI CHARTER SCHOOL

Maria

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On Jan 24, 2012, at 12:54 PM, Donawa, Maria wrote

Paul

Per our procedures department the documentation is not acceptable.  
Please forward the information to the Mr. Hemsworth for validation.

Maria Donawa  
Associate Manager, PIA  
301 Landex Plaza West, Parsippany, NJ 07054  
1-973-581-5081 / 1-973-599-6578  
[mdonawa@si.universalservice.org](mailto:mdonawa@si.universalservice.org)

-----Original Message-----

From: Paul Le [mailto:erate.apps@gmail.com]  
Sent: Tuesday, January 24, 2012 12:52 PM  
To: Donawa, Maria

Subject: RE: NEW YORK CITY MONTESSORI CHARTER SCHOOL

H. Maria

Attached is the letter and the meal claim forms for NYC Montessori.  
Please let me know if that resolves the issue.

Also, it wasn't clear from your last email whether Brighter Choice  
Charter Middle School consortium moved forward at 90% eligibility, since  
you only wrote that both applications were completed. Please confirm or  
let me know what is missing with the documentation.

---

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Received & Inspected

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FCC Mail Room

From: Paul Le <erate apps@gmail.com>  
Subject: NEW YORK CITY MONTESSORI CHARTER SCHOOL  
Date: January 28, 2012 5:00:37 PM EST  
To: "Winston E. Himsworth" <whimsworth@e-ratecentral.com>

1 Attachment: 2.0 MB

Hi Win,

Hope you are well. This is my second request, can you please validate this school's status as a 90% school or let me know what additional documentation you need to do so? They are a school that opened Fall 2011.

Begin forwarded message.

**From:** Paul Le <erate apps@gmail.com>  
**Subject:** Re: NEW YORK CITY MONTESSORI CHARTER SCHOOL  
**Date:** January 24, 2012 12:32:04 PM EST  
**To:** "Donawa, Maria" <Maria.DONAWA@sl.universalservice.org>

Hi Maria,

Attached is the letter and the meal claim forms for NYC Montessori. Please let me know if that resolves the issue.

Also, it wasn't clear from your last email whether Brighter Choice Charter Middle School consortium moved forward at 90% eligibility, since you only wrote that both applications were completed. Please confirm or let me know what is missing with the documentation.

On Jan 24, 2012, at 10:26 AM, Donawa, Maria wrote:

I have not gotten a response from Mr. Himsworth.

Maria Donawa  
Associate Manager, PIA  
30 Lanidex Plaza West | Parsippany, NJ 07054  
T: 973 581 5081 | F: 973 599 6578  
[mdonawa@sl.universalservice.org](mailto:mdonawa@sl.universalservice.org)

-----Original Message-----

From: Paul Le [mailto:erate apps@gmail.com]  
Sent: Monday, January 23, 2012 12:54 PM  
To: Donawa, Maria  
Subject: Re: NEW YORK CITY MONTESSORI CHARTER SCHOOL

Hi Maria,

Win was cc'ed on the other email so I trust he can validate.

In the meantime, I'm headed over to Montessori today and get the letter you were looking for. I'll send that over for your review this evening and if that doesn't settle the 90% discount eligibility, then maybe we can try and touch base over the phone on Wednesday to resolve this.

P.

On Jan 23, 2012, at 11:45 AM, Donawa, Maria wrote:

Mr. Le,

Both applications have been completed. The information to validate the discount for NYC Montessori is not acceptable. If you can have the

NY

state erate coordinator validate that the document you provided is

acceptable I will pull the application back. The notification of the discount modification does not have due date. It is just a notification.

I am available today to answer any questions you have.

Maria Donawa  
Associate Manager, PIA  
30 Lanidex Plaza West | Parsippany, NJ 07054  
T: 973 581 5081 | F: 973 599 6578  
[mddonawa@universal-service.org](mailto:mddonawa@universal-service.org)

-----Original Message-----

From: Paul Le [mailto:[erate.apps@gmail.com](mailto:erate.apps@gmail.com)]  
Sent: Monday, January 23, 2012 11:13 AM  
To: Donawa, Maria  
Subject: Time for a call?

Hi Maria,

Is there a time today or Wednesday that we can schedule a call and touch base over the phone? It's unclear to me what you need to move both Brighter Choice and NYC Montessori forward.

P

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From: "Winston E. Himsworth" <whimsworth@e-ratecentral.com>  
Subject: RE: NEW YORK CITY MONTESSORI CHARTER SCHOOL  
Date: January 29, 2012 11:18:26 AM EST  
To: "Donawa, Maria" <MDONAWA@sl.universalservice.org>  
Cc: "Paul Le" <erate.apps@gmail.com>

Maria,

NYC Montessori School is now listed in the NYSED Child Nutrition System under the NYC Chancellor's Office.

The NSLP information reported for November (106 students – 94 eligible), for example, is consistent with the discount information provided to you separately by the School.

Win Himsworth  
E-Rate Central  
516-801-7801

**From:** Paul Le [mailto:erate.apps@gmail.com]  
**Sent:** Saturday, January 28, 2012 5:01 PM  
**To:** Winston E. Himsworth  
**Subject:** NEW YORK CITY MONTESSORI CHARTER SCHOOL

Hi Win,

Hope you are well. This is my second request: can you please validate this school's status as a 90% school or let me know what additional documentation you need to do so? They are a school that opened Fall 2011.

Begin forwarded message:

**From:** Paul Le <erate.apps@gmail.com>  
**Subject:** Re: NEW YORK CITY MONTESSORI CHARTER SCHOOL  
**Date:** January 24, 2012 12:32:04 PM EST  
**To:** "Donawa, Maria" <Maria.DONAWA@sl.universalservice.org>

Hi Maria,

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From: "Donawa, Maria" <Maria.DONAWA@sl.universalservice.org>  
Subject: RE: NEW YORK CITY MONTESSORI CHARTER SCHOOL  
Date: January 29, 2012 11:26 17 AM EST  
To: "Paul Le" <erate.apps@gmail.com>

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Paul,

The application is already in the wave so will have to file an appeal.

Maria Donawa  
Associate Manager, PIA  
101 andex Plaza West | Parsippany, NJ 07054  
1-973-581-5041 | 1-473-509-6573  
[mdonawa@sl.universalservice.org](mailto:mdonawa@sl.universalservice.org)

**From:** Paul Le [<mailto:erate.apps@gmail.com>]  
**Sent:** Saturday, January 28, 2012 4:59 PM  
**To:** Donawa, Maria  
**Subject:** Re: NEW YORK CITY MONTESSORI CHARTER SCHOOL

Hi Maria,

Their LEA code is: 3207 0086 1005.

The problem with New York City based public school and charter schools that elect to use the city's meal program is that there is NO liaising directly with the NYSED in terms of free/reduced lunch. What do you advise is the best practice (or what is the practice of public or NYC-based schools) to move this forward, because there are definitely 80% FRPL.

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On Jan 24, 2012, at 8:59 PM, Donawa, Maria wrote:

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**From:** Paul Le [<mailto:erate.apps@gmail.com>]  
**Sent:** Tuesday, January 24, 2012 3:36 PM  
**To:** Donawa, Maria  
**Subject:** Re: NEW YORK CITY MONTESSORI CHARTER SCHOOL

Maria,

I will continue to follow up with him, but in the meantime, I would appreciate an explanation as to why this latest submission doesn't suffice. To me, it meets Option I, and there is also a letter verifying the data:

Option 1. If the school participates in the National School Lunch Program (NSLP), **please provide a signed copy (preferably by the Principal, Vice-Principal, Superintendent or Director of Food Services) of a Reimbursement Claim Form** that the school sends to the state each month as part of their participation in the program. Make sure that the following three items are identified on the claim form:

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- 1.
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T 973 581 5081 | F 973 599.6578  
[mjdonawa@sluniversalservice.org](mailto:mjdonawa@sluniversalservice.org)

-----Original Message-----

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FCC Mail Room

Paul Le <erate.apps@gmail.com>  
Re: NEW YORK CITY MONTESSORI CHARTER SCHOOL  
January 29, 2012 12:13:24 PM EST  
"Donawa, Maria" <Maria.DONAWA@sl.universalservice.org>  
"Winston E. Himsworth" <whimsworth@e-ratecentral.com>

Hi Maria,

That's rather unfair, especially since the data and documentation provided to you showed no evidence that the school was NOT eligible at 90% (but rather, the reverse). We were waiting on Mr. Himsworth to validate the data, there was a deadline of 1/31/12 to submit additional documentation, and you stated in your own emails that "If you can have the NY state erate coordinator validate that the document you provided is acceptable I will pull the application back. The notification of the discount modification does not have due date. It is just a notification."

To that end, I'm requesting that the application be pulled so that it can be moved forward and funded at 90% and not put at the bottom of the pile at 20%. If that won't be done, I will escalate the matter.

P

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Paul,

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Maria Donawa  
Associate Manager, PIA

[mdonawa@sl.universalservice.org](mailto:mdonawa@sl.universalservice.org)

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Option I: If the school participates in the National School Lunch Program (NSLP), please provide a signed copy (preferably by the Principal, Vice-Principal, Superintendent or Director of Food Services) of a Reimbursement Claim Form that the school sends to the state each month as part of their participation in the program. Make sure that the following three items are identified on the claim form:

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--- Original Message ---

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new york city  
montessori  
charter school

Received & Inspected

FEB 11 2013

FCC Mail Room

21 November 2012

**Via Fax**

Letter of Appeal  
Schools and Libraries Division – Correspondence Unit  
30 Lanidex Plaza West  
P.O. Box 685  
Parsippany, NJ 07054-0685

Re: Appeal of Form 486 Application 919230

Dear Sir or Madam:

New York City Montessori Charter School, with Billed Entity Number 16061735, submits this appeal of its determination on its Form 486.

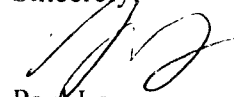
We respectfully request that USAC revert the service start date of the associated Form 486 Application Number 919230 from 2 May 2012 to 1 July 2011. The school successfully appealed a denial of funds and per

It then received a Revised Funding Commitment Decision Letter on June 22, 2012 and then filed its Form 486 within the 120 day timeframe from that letter.

The summary tables and exhibits below provide the required information necessary for this appeal.

If you have any additional questions or require more documentation concerning our applications, the best point of contact is our E-rate consultant, Paul Le, whose contact information is also posted below.

Sincerely,



Paul Le  
Consultant

Attachments: Contact Information  
Appeal Information and Explanation  
Exhibits A-H

### Required Elements for Appeal

Contact Information	
Appellant/Organization Name	New York City Montessori Charter School
Billed Entity Number	16061735
Contact Person Name	Paul Le
Contact Mailing Address	342 East 119 <sup>th</sup> St., Suite 3A New York, NY 10035
Contact Phone Number	347.772.8553
Contact Email Address (preferred)	erate@charterschoolincubator.org

Appeal Information and Explanation	
Funding Year	2011
Application Number	Form 486 Application Number 919230, dated 2 October 2012
Funding Request Numbers and Service Providers (SPIN)	Based on Form 471 Number 816793 2220999 – Verizon Wireless (143000677) 2221020 – Broadview Networks Holdings, Inc. (143008617) 2221036 – Cablevision Systems Corporation (143007246) 2221175 – Verizon Wireless (143000677)
Appeal Reason	The Form 486 incorrectly provided a service start date of 2 May 2012, as opposed to the July 1, 2011 service start date. The letter cites a 120-day deadline, but USAC issued a revised FCDL for reversing denied funds based on an appeal. USAC did not provide any information in two separate communications made to USAC and the Administrator on appeal, as to whether the school should submit its Form 486 based upon its original or to wait for the revised FCDL.
Requested Outcome	Reset the service start date to July 1, 2011 for all above associated FRNs.
Appeal Explanation	<b>Background:</b> The revised FCDL was the product of an appeal of an error by USAC, where the PIA reviewer attempting to validate the school's NSLP data and discount eligibility of 90% did not wait for the state's E-rate Coordinator to validate the school's NSLP data. Instead, she funded the school's Form 471 at 20%, which, to a first year school participating in the E-rate program, a denial of 70% of eligible funds. See Exhibit B.  The school requests that its Service Start Date be reinstated to July 1, 2011.

The following factors support this appeal:

**1. The school filed a timely Form 486 based on the revised FCDL dated 22 June 2012.** The school filed the Form 486 on 30 August 2012, well within the 120 day deadline under that letter. Because of the factors explained in points 2 and 3, the school felt compelled to wait until the issuance of an RFCDL per its interpretation of the Administrator's Decision on appeal.

**2. The school sought and did not receive any information from USAC as to whether to submit the Form 486 within the original or the revised Funding Commitment Decision Letter.**

The school received the Administrator's appeal decision via mail on 29 May 2012, one day before the Form 486 filing window deadline based on the original FCDL. That letter, Exhibit C, approved the school's request to fund the associated FRN's at 90%.

The language of the letter was unclear as to whether the school needed to file the Form 486 within the window of the original FCDL, or wait until receiving an RFCDL. The letter states that "If the original FCDL *approved funding* in part for the services covered by this appeal, the 120 deadline for filing Forms 486 is determined based on the data of the original FCDL that approved funding for the request(s). However, if the original FCDL denied funding for the services covered by this appeal, Forms 486 *cannot* be filed until you have received your RFCDL."

The language above is unclear. The FCDL in Exhibit A both approved *and* denied funding for the school. It approved 20% of the funding but denied the larger 70%. The letter is also unequivocal in stating that Forms 486 *cannot* be filed until an RFCDL is received where funds were denied.

Within eight hours of receiving the appeal decision, Paul Le, the school's E-rate consultant made two separate communications both USAC and the administrator who reviewed the school's appeal, to seek clarification: should the school should submit its Form 486 based upon its original or to wait for the revised FCDL?

Neither USAC nor the Administrator provided any information, so the school opted to wait to receive the RFCDL. Mr. Le called the USAC Help Line on 29 May 2012 to seek further clarification. See Exhibit D. Mr. Le relayed the facts and deadlines and sought guidance as to when the Form 486 should be filed. Anthony, the USAC representative could only say colloquially that "it depends on what the letter says."

Not receiving clear guidance from the USAC Help Line, Mr. Le then contacted by email Tim Curtin, the Administrator who reviewed the appeal. See Exhibit E. In that email, the school specifically requested whether or

	<p>not to file the Form 486 within the original FCDL window or to wait until the revised FCDL was issued. Mr. Curtin never responded.</p> <p>Without any information from USAC, the school had to choose between presuming that filing a Form 486 prematurely that might result in funding at the 20% discount level, being denied entirely for not complying with the Administrator's letter on denied funding, or waiting until receiving a revised FCDL. Given the risk, the school chose to wait, and now appeals USAC's start date determination.</p> <p><b>3. The need for a revised FCDL arose from USAC's own errors.</b></p> <p>The revised FCDL was required mainly because the PIA reviewer did not wait to receive validation of the school's NSLP data from New York State's E-rate Coordinator and then submitted an FCDL which denied the school 70% of the 90% discount eligibility. <u>See Exhibit B.</u> This error set into motion a lengthy appeal, which then lasted beyond the 120 Day window of this same FCDL.</p> <p><b>Conclusion</b></p> <p>The school should not be penalized on its Form 486 when the PIA reviewer refused to wait until the PIA deadline to deny 70% of priority funds to the school, which led to the appeal in the first place. Following that, USAC representatives either never responded to a request for clarity on whether to file the Form 486 before the 120-Day deadline on its original or revised FCDL. Any guidance by USAC on either account would have been sufficient for the school to submit a Form 486 within the original FCDL's window, if that was in fact a program requirement.</p>
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Table of Exhibits		
#	Exhibit	Importance
A	31 January 2012  Original Funding Commitment Decision Letter	<p>This letter was funded incorrectly from the outset at a 20% discount eligibility because the PIA reviewer did not wait for the state's E-rate Coordinator to validate the school's NSLP data. In the appeal submitted on 30 March 2012, 2011, the deadline, but the reviewer placed the Form 471 into the wave before the deadline for the school to submit and have its data validated by the state's E-rate Coordinator.</p> <p>Because of the length of this appeal documentation and that it is already within USAC's possession, only the appeal letter is provided as an exhibit.</p>
B	30 March 2012  School's Appeal to USAC of 20%	See Exhibit A.

	discount eligibility	
C	23 May 2012 USAC Administrator's Decision on Appeal to BEN	<p>The letter was received by Mr. Le on 29 May 2012, even though it was dated 23 May 2012. This left the school with only 1 day to submit a Form 486. It did not make clear whether the school needed to submit a Form 486. The FCDL may constitute a denial of 70% of the requested 90% discount eligibility, as requested. The letter states that "if the original FCDL denied funding for the services covered by this appeal, Forms 486 cannot be filed until you have received your RFCDL," the school was concerned about prematurely submitting the Form 486 and risk being funded at the erroneous discount eligibility.</p> <p>Moreover, the reason the appeal was the result of an erroneous discount calculation, as discussed above.</p>
D	29 May 2012 Call Log printout	Record of call placed to USAC requesting clarification on Revised Funding Commitment Decision Letter.
E	30 May 2012 Email to Tim Curtin at USAC requesting clarification	The school sought clarification by the reviewer of the appeal two days before the deadline to file a Form 486 within the 120 Day window of the original FCDL.
F	22 June 2012 Revised Funding Commitment Decision Letter	The RFCDL set a 120 day window to submit a Form 486 of which the deadline would be 20 October 2012
G	30 August 2012 Form 486	This Form 486 was submitted within the 120 day timeframe of the revised FCDL. The Form 486 and Electronic Certification are two separate documents.
H	2 October 2012  Form 486 Notification Letter	This is the basis of this written appeal.



new york city  
montessori  
charter school

416 Willis Avenue  
Bronx, NY 10454  
Phone: 347.226.909  
Fax: 347.226.9097  
Web: www.fahariacademy.org

## Facsimile Cover Sheet

Date:	20 November 2012
Send To:	Schools and Libraries Division – Correspondence Unit 973 599 6542
Attention:	Letter of Appeal
Office Location:	30 Lanidex Plaza West P.O. Box 685 Parsippany, NJ 07054-0685
From:	Paul Le
Phone Number:	347.772.8553

Total Pages Including Cover: 55

Urgent ☐ Reply ASAP ☐ Please Comment ☐ Please Review ☒ For Your Information ☐

Comments:

Attached please find letter of appeal and exhibits of Form 486 Application 919230.



## TRANSMISSION VERIFICATION REPORT

TIME : 11/21/2012 15:07  
NAME : FAHAPI ACADEMY  
FAX : 7182825397  
TEL : 7182183185  
SER.# : 000E9N907903

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

11/21 14:46  
19735996542  
00:20:40  
55  
OK  
STANDARD  
ECM

new york city  
**montessori**  
charter school

416 Willie Avenue  
Bronx, NY 10454  
Phone: 347.226.9094  
Fax: 347.226.9097  
Web: [www.fahapiacademy.org](http://www.fahapiacademy.org)

## Facsimile Cover Sheet

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Urgent ☐

Reply ASAP ☐

Please Comment ☐

Please Review ☒

For Your Information ☐

Comments:

Attached please find letter of appeal and exhibits of Form 486 Application 919230.





Universal Service Administrative Company

Schools and Libraries Division

Received & Inspected  
FEB 11 2013  
FCC Mail Room

**FUNDING COMMITMENT DECISION LETTER**  
(Funding Year 2011: 07/01/2011 - 06/30/2012)

January 31, 2012

Paul Le  
NEW YORK CITY MONTESSORI CHARTER SCHOOL  
342 East 119th St., Suite 3A  
New York, NY 10035

Re: Form 471 Application Number: 816793  
Billed Entity Number (BEN): 16061735  
Billed Entity FCC RN: 0020704581  
Applicant's Form Identifier: 2011-Montessori-Priority1

Thank you for your Funding Year 2011 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$3,760.80 is "Approved."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

**NEXT STEPS**

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

**TO APPEAL THIS DECISION:**

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
  - Appellant name,
  - Applicant name and service provider name, if different from appellant,
  - Applicant BEN and Service Provider Identification Number (SPIN),
  - Form 471 Application Number 816793 as assigned by USAC,
  - "Funding Commitment Decision Letter for Funding Year 2011," AND
  - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to [appeals@sl.universalservice.org](mailto:appeals@sl.universalservice.org). USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
30 Lanidex Plaza West  
PO Box 685  
Parsippany, NJ 07054-0685

If you wish to appeal a decision in this letter to the FCC, you should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

#### OBLIGATION TO PAY NON-DISCOUNT PORTION

Applicants are required to pay the non-discount portion of the cost of the products and/or services to their service provider(s). Service providers are required to bill applicants for the non-discount portion. The FCC stated that requiring applicants to pay their share ensures efficiency and accountability in the program. If USAC is being billed via the FCC Form 474, the service provider must bill the applicant at the same time it bills USAC. If USAC is being billed via the FCC Form 472, the applicant pays the service provider in full (the non-discount plus discount portion) and then seeks reimbursement from USAC. If you are using a trade-in as part of your non-discount portion, please refer to our website for more information.

#### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division  
Universal Service Administrative Company

FUNDING COMMITMENT REPORT

Billed Entity Name: NEW YORK CITY MONTESSORI CHARTER SCHOOL  
BEN: 16061735  
Funding Year: 2011

Comment on RAL corrections: The site-specific discount percentage was reduced to a level that could be validated based on third party data.

Form 471 Application Number: 816793  
Funding Request Number: 2220999  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 280360000878363  
SPIN: 143000677  
Service Provider Name: Verizon Wireless  
Contract Number: MTM  
Billing Account Number: N/A  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Site Identifier: 16061735  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$10,164.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$10,164.00  
Discount Percentage Approved by the USAC: 20%  
Funding Commitment Decision: \$2,032.80 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: MR1: The site-specific discount percentage was reduced to a level that could be validated based on third party data.

FCDL Date: 01/31/2012  
Wave Number: 032  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Paul Le  
Consultant Number (CRN): 16063863  
Consultant Employer: Paul Le

FUNDING COMMITMENT REPORT  
Billed Entity Name: NEW YORK CITY MONTESSORI CHARTER SCHOOL  
BEN: 16061735  
Funding Year: 2011

Comment on RAL corrections: The site-specific discount percentage was reduced to a level that could be validated based on third party data.

Form 471 Application Number: 816793  
Funding Request Number: 2221020  
Funding Status: Funded  
Category of Service: Telecommunications Service  
Form 470 Application Number: 280360000878363  
SPIN: 143008617  
Service Provider Name: Broadview Networks Holdings, Inc  
Contract Number: N/A  
Billing Account Number: N/A  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: N/A  
Contract Award Date: 03/22/2011  
Contract Expiration Date: 06/30/2013  
Site Identifier: 16061735  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$2,544.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$2,544.00  
Discount Percentage Approved by the USAC: 20%  
Funding Commitment Decision: \$508.80 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: MR1: The site-specific discount percentage was reduced to a level that could be validated based on third party data.

FCDL Date: 01/31/2012  
Wave Number: 032  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Paul Le  
Consultant Number (CRN): 16063863  
Consultant Employer: Paul Le

FUNDING COMMITMENT REPORT

Billed Entity Name: NEW YORK CITY MONTESSORI CHARTER SCHOOL  
BEN: 16061735  
Funding Year: 2011

Comment on RAL corrections: The site-specific discount percentage was reduced to a level that could be validated based on third party data.

Form 471 Application Number: 816793  
Funding Request Number: 2221036  
Funding Status: Funded  
Category of Service: Internet Access  
Form 470 Application Number: 280360000878363  
SPIN: 143007246  
Service Provider Name: Cablevision Systems Corporation (Education Dept)  
Contract Number: MTM  
Billing Account Number: N/A  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Site Identifier: 16061735  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$1,320.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$300.00  
Pre-discount Amount: \$1,620.00  
Discount Percentage Approved by the USAC: 20%  
Funding Commitment Decision: \$324.00 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: MR1: The site-specific discount percentage was reduced to a level that could be validated based on third party data.

FCDL Date: 01/31/2012  
Wave Number: 032  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Paul Le  
Consultant Number (CRN): 16063863  
Consultant Employer: Paul Le

FUNDING COMMITMENT REPORT  
Billed Entity Name: NEW YORK CITY MONTESSORI CHARTER SCHOOL  
BEN: 16061735  
Funding Year: 2011

Comment on RAL corrections: The site-specific discount percentage was reduced to a level that could be validated based on third party data.

Form 471 Application Number: 816793  
Funding Request Number: 2221175  
Funding Status: Funded  
Category of Service: Internet Access  
Form 470 Application Number: 280360000878363  
SPIN: 143000677  
Service Provider Name: Verizon Wireless  
Contract Number: MTM  
Billing Account Number: N/A  
Multiple Billing Account Numbers: N  
Service Start Date: 07/01/2011  
Service End Date: 06/30/2012  
Contract Award Date: N/A  
Contract Expiration Date: N/A  
Site Identifier: 16061735  
Number of Months Recurring Service Provided in Funding Year: 12  
Annual Pre-discount Amount for Eligible Recurring Charges: \$4,476.00  
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00  
Pre-discount Amount: \$4,476.00  
Discount Percentage Approved by the USAC: 20%  
Funding Commitment Decision: \$895.20 - FRN approved; modified by SLD  
Funding Commitment Decision Explanation: MR1: The site-specific discount percentage was reduced to a level that could be validated based on third party data.

FCDL Date: 01/31/2012  
Wave Number: 032  
Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2012  
Consultant Name: Paul Le  
Consultant Number (CRN): 16063863  
Consultant Employer: Paul Le





new york city  
montessori  
charter school

Received & Inspected  
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### Required Elements for Appeal

Contact Information	
Appellant/Organization Name	New York City Montessori Charter School
Billed Entity Number	16061735
Contact Person Name	Paul Le
Contact Mailing Address	342 East 119 <sup>th</sup> St., Suite 3A New York, NY 10035
Contact Phone Number	347.772.8553
Contact Email Address (preferred)	erate.apps@gmail.com

Appeal Information and Explanation	
Funding Year	2011
Application Number	Form 471 816793
Funding Request Numbers and Service Providers (SPIN)	2220999 – Verizon Wireless (143000677) 2221020 – Broadview Networks Holdings, Inc. (143008617) 2221036 – Cablevision Systems Corporation (143007246) 2221175 – Verizon Wireless (143000677)
Appeal Reason	FCDL Date January 31, 2012 incorrectly funded FRNs at 20% when they should be funded at 90%
Requested Outcome	Reinstate the requested discount percentage to 90%.
Appeal Explanation	<p>The school requests that the discount percentage be reinstated to the original 90% because the New York State Education Department's appointed E-rate Coordinator confirmed the school's eligibility at 90% and the school has submitted documentation supporting that finding.</p> <p><b>Background</b> The Program Integrity Assurance review was conducted by USAC Associate Manager Maria Donawa. It began on October 20, 2011 with Ms. Donawa's first request for information under PIA. See Exhibits A and B. The school, as represented by Mr. Paul Le, the school's consultant under Letter of Agency dated December 3, 2010, submitted their response to Ms. Donawa's request.</p>

See Exhibits C, D and E.

***Argument for Appeal***

The basis for the appeal can be seen in the rest of the communications between Ms. Donawa and NYCMCS in Exhibits E through Z. Ms. Donawa rejected all of the school's documentation of free and reduced price lunch eligibility, despite information and evidence showing that a New York state chartered, New York City-based public charter school using the New York City Department of Education's (NYCDOE) food service is 1) not allowed to use free/reduced lunch forms from the state because 2) the NYCDOE free/reduced lunch forms act as New York State's official documentation and 3) in New York City, the school must also accept poverty determinations from other city agencies like the New York City Department of Human Resources Administration. All of that information is recorded into a central New York City schools database and in effect is the most accurate, verified report of students participating in the NSLP, as shown in Exhibits D, E, K, Q, R and V.

Despite those rejections, Ms. Donawa did request that NYCMCS validate its data with the State's E-rate Coordinator, Win Himsworth. See Exhibit A. However, in a span of three days, Ms. Donawa gave NYCMCS unclear deadlines to provide this validation: until January 31, 2012 (Exhibits G/H) and then no deadline at all (Exhibits I, J and M) to provide the documentation needed to move the Form 471 Application to funding stage.

Operating under the assumption that the school had at least until January 31, 2012 to provide the requested validation from Mr. Himsworth, NYCMCS made those requests for validation on at least three occasions on January 20, 23, and 28, 2012. See Exhibits K, O and W. As shown in Exhibit X, he then responded to verify the same data than what NYCMCS provided originally on November 4, 2011 (Exhibits D/E) and again, in supplemental form on January 24, 2012 (Exhibits Q/R).

Despite providing a deadline of at least January 31, 2012, Ms. Donawa pushed before January 29, 2012 NYCMCS's Priority I application into Wave 32, funding the school's application at 20%, and then stated that the school should appeal (See Exhibit Y), even though it had provided documentation and validation all along, and well within deadline, of its status as a school with a free/reduced price lunch population above 75%.

To this end, NYCMCS respectfully requests that the Form 471 Application Number 816793, representing FRN #s 2220999, 2221020, 2221036, and 2221175 be funded at 90%, not 20%.

**Point I. The school received confirmation from New York State's E-rate Coordinator that the school met the requirements for a 90% discount before USAC's deadline to submit documentation.**

In the below chronology of email communications and as attached in the table of exhibits, New York City Montessori Charter School (hereinafter NYCMCS) submitted documentation and validation that the school's free/reduced price lunch population was above 75% *before* USAC's PIA deadline of January 31, 2012. We submit that this alone should allow the FCDL to be reissued at 90%.

***Explanation***

In an email dated January 16, 2012, below as Exhibits G and H, Ms. Donawa attached a letter providing a deadline of January 31, 2012. In another email that same day, Ms. Donawa for the first time stated that NYCMCS can have the state E-rate Coordinator validate the NSLP documentation that the school provided. See Exhibit F.

*Three days later* on January 19, before NYCMCS could respond with additional documentation, Ms. Donawa sent a determination letter (Exhibits I and J) of a 20% discount eligibility. In response to Mr. Le's email requesting a call for clarification (Exhibit M), she stated that same day that there was no deadline to provide updated information at all. In her words, "If you can have the NY state erate coordinator validate that the document you provided is acceptable I will pull the application back. The notification of the discount modification does not have due date." See Exhibit N. The understanding then, is that NYCMCS had at least until January 31, 2012 to supply Ms. Donawa with either documentation acceptable to her or the validation from the state E-rate Coordinator.

On January 20, 2012, in response to Ms. Donawa's determination letter, Mr. Le had done both. He responded by challenging the determination and also requesting that the E-rate Coordinator validate the documentation provided. See Exhibit K and E. Mr. Le then sent two additional requests for validation on January 23 (Exhibit O) and 28 (Exhibit W), and also informed Ms. Donawa on January 20 (Exhibit K, via carbon copy), January 23 (Exhibit N), and January 24 (Exhibit T) that he had done so. Ms. Donawa, even though she had the Coordinator's email address herself (Exhibit A), could not even wait 24 hours for a response from Mr. Himsworth (see Exhibit P), even though there were seven days left for him to respond.

NYCMCS then again produced on January 24 other meal claim forms that it uses to secure reimbursement for students eligible for free/reduced price lunch. See Exhibits Q and R.

Despite the request for validation, Ms. Donawa submitted the school's Form 471 for a FCDL in Wave 32 no later than January 29, 2012 *before* providing the State's E-rate Coordinator the opportunity to respond by her posted deadline of January 31, 2012.

***Conclusion***

NYCMCS submitted all required information on time, and submitted the requested validation from Mr. Himsworth before the January 31, 2012

deadline. Moreover, none of the documentation that the school provided ever contradicted a discount eligibility determination of 90%. To that end, the school requests that the FCDL dated January 31, 2012 be adjusted accordingly to 90% for all associated FRNs

**Point II. The school provided valid documentation of a 90% discount eligibility, given local and state constraints on charter schools authorized by the state, but operating in New York City.**

***Background***

Ms. Donawa rejected all of the school's documentation supporting a 90% discount eligibility and was not flexible to understand the complicated nature of a New York City-based public charter school authorized by New York State to provide documentation of its eligibility. The documentation meets FCC and USAC requirements to determine eligibility.

***Explanation***

To determine eligibility at the time of posting its Form 471, the school posted accurately that it had no students but did qualify at 90%. Per New York State Law, as seen here at <http://www.p12.nysed.gov/pse/article56.html> under §2854(2)(b), a charter school "shall enroll each eligible student who submits a timely application by the first day of April each year, unless the number of applications exceeds the capacity of the grade level or building." This deadline is always *after* the Form 471 deadline. As such, until such time as the school opens and can provide *actual* NSLP eligibility of its *enrolled students*, the only way for any New York state charter school to provide information on upcoming enrollment is to collect data from existing sources, as described in <http://usac.org/sl/applicants/step05/alternative-discount-mechanisms.aspx>.

As explained in Exhibit K, NYCMCS did just that. It relied on the School Demographics and Accountability Snapshot for Community District 7 that is provided by the New York City Department of Education. That snapshot tallies the *actual* number of all students in each school of that district, and reports such data as their NSLP eligibility as collected by the NSLP form that the New York City Department of Education requires that schools participating in the Department's lunch program administer each year in September. To that end, NYCMCS tallied the number of prospective K and 1 students and their actual NSLP eligibility and made a determination of at least 75% of its students were eligible.

Once the school has opened, if a charter school utilizes the New York City Department of Education Food Service (as seen on page 4 of <http://www.opt-osfns.org/osfns/meals/MealEligibility/2011-2012%20List%20of%20Charter%20Schools%20in%20DOE%20Foodservice%20Program.pdf>), it is required to use the Department's NSLP application, found here: [http://www.opt-osfns.org/osfns/Mealsapp/forms\\_reduced.aspx](http://www.opt-osfns.org/osfns/Mealsapp/forms_reduced.aspx). That application is processed by the Department and not by the school, and those forms are scanned and retained at Department offices, as illustrated here

<http://www.opt-osfns.org/osfns/meals/default.aspx> and here: <http://www.opt-osfns.org/osfns/Mealsapp/ApplicationScanning/2011-2011InstructionstoSubmitApplicationsforScanning.pdf>. To determine every student's eligibility, all New York City schools (public and charter) must log onto a database called Automate The Schools (ATS). ATS coordinates data among all of the city's agencies, including Department of Health, Department of Homeless Services, and the Human Resources Administration (Medicaid, TANF, Food Stamp eligibility), and reports it for accountability to the state level. Please see page 29-30 of the attached manual here: <http://www.p12.nysed.gov/sedcat/archived/0708documentation/UsersManual.doc> or page 7 of the report guide here: [http://www.p12.nysed.gov/irs/level2reports/SIRS\\_310\\_201011-AnnRegentsCompetency1.2RPT.pdf](http://www.p12.nysed.gov/irs/level2reports/SIRS_310_201011-AnnRegentsCompetency1.2RPT.pdf). Both guides illustrate that *demographic* data, which is used for state reports is generated from city collection sources that post in ATS.

Given these constraints, NYCMCS provided in Exhibit E a redacted printout of its ATS report showing which students qualified for NSLP from the survey forms (code 1 and 2). That report also includes students coded as "A" or who are automatically eligible for NSLP based on income eligibility guidelines that the state has established under Medicaid or food stamp eligibility. Furthermore, NYCMCS provided to Ms. Donawa in Exhibit R meal claim forms providing data of the same proportion of students qualifying for NSLP.

As such, unlike other schools in other states or even public schools outside of New York City, city-based charter schools and public schools like NYCMCS using NYCDOE Food Services are listed as schools *under the NYC' Chancellor's Office* when reporting meal claim reimbursements at the state level. See Exhibit X, where Mr. Himsworth verifies this fact. They will never have NSLP survey forms and will never have NSLP meal claim reimbursement forms with New York State Department of Education on the letterhead because the NYCDOE acts as a proxy for all schools receiving its services.

### ***Conclusion***

Whether during at the time of application for the Form 471 or during Program Integrity Assurance, NYCMCS provided the requisite documentation to determine its discount eligibility. Given the constraints of New York State regulations and New York City administration for public and charter schools using New York City Department of Education food services, NYCMCS provided the actual numbers of NSLP eligible students on its roster, and that number was above 75%. This documentation was then validated by the State's E-rate Coordinator well within the timeframes set by Ms. Donawa. %. To that end, the school requests that the FCDI, dated January 31, 2012 be adjusted accordingly to 90% for all associated FRNs

<b>Table of Exhibits</b>		
#	<i>Exhibit</i>	<i>Importance</i>
A	10 October 2011 Donawa Email to Le	First PIA for discount eligibility; deadline of 4 November 2011 given
B	10 October 2011 Donawa Email Attachment to Le	First PIA for discount eligibility; Exhibit encloses the letter attachment to above Exhibit A
C	3 December 2010 Letter of Agency	Signed letter of agency by School Principal directing Paul Le to coordinate E-rate application on NYCMCS's behalf
D	4 November 2011	Response email to PIA, Exhibit A
E	4 November 2011	Attachment to Exhibit D: it encloses the school's explanation for its discount determination of 90% and also provides free/reduced price lunch information (NSLP) that pulls in data
F	16 January 2012 Donawa Email to Le	Ms. Donawa requests forwarding the lunch claim forms and free/reduced price lunch meal eligibility counts to the state E-rate coordinator for validation.
G	16 January 2012 Donawa Email to Le	Request for additional information for discount eligibility
H	16 January 2012 Donawa Email Attachment to Le	Ms. Donawa sends request for discount eligibility determination, with a deadline of January 31, 2012
I	19 January 2012 Donawa Email to Le	20% funding determination letter is attached.
J	19 January 2012 Donawa Email Attachment to Le	Ms. Donawa sends a 20% discount eligibility determination letter, three days after giving a deadline of January 31, 2012 to provide additional documentation. The attached letter provides an opportunity to submit additional supporting documentation to show the school is a 90% discount eligible school
K	20 January 2012 Le Email to Donawa	NYCMCS emails Ms. Donawa that challenges 20% determination and provides additional documentation and support stating that state documentation will never be available for a NYC based charter school using NYCDOE food services. The letter also illustrates that for a charter school that would open its doors in Fall 2011, using data from existing sources of its planned district of location is permissible to calculate the free/reduced price lunch population. <u>See</u> USAC's website that describes this alternative: <a href="http://usac.org/sl/applicants/step05/alternative-discount-mechanisms.aspx">http://usac.org/sl/applicants/step05/alternative-discount-mechanisms.aspx</a> . In this vein, the school relied on a spreadsheet generated by the NYC Department of Education that tallied the <i>actual</i> number of students from each school within Community School District 7 and <i>included</i> the free/reduced lunch status as determined by the national free/reduced price lunch application used by all

		New York City public schools.  The same email requests the NYS E-rate Coordinator to validate the discount percentage.
L	23 January 2012 Le Email to Donawa	NYCMCS emails Ms. Donawa requesting conversation via phone to discuss discount eligibility determination
M	23 January 2012 Donawa Email to Le	Ms. Donawa emails NYCMCS stating that with the January 19 <sup>th</sup> letter, there is no deadline to provide the validation of the school's documents.
N	23 January 2012 Le Email to Donawa	NYCMCS informs Ms. Donawa that the state E-rate coordinator has been informed and requests guidance on additional documentation necessary to establish 90% discount eligibility.
O	23 January 2012 Le Email to Himsworth	NYCMCS requests validation a second time from the state E-rate coordinator
P	24 January 2012 Donawa Email to Le	Less than 24 hours after emailing Ms. Donawa that the state E-rate coordinator has been requested to validate the information, Ms. Donawa emails to inform that she has not received any response. She also does not provide any additional guidance for the additional documentation.
Q	24 January 2012 Le Email to Donawa	NYCMCS provides meal claim form documentation
R	24 January 2012 Le Email Attachment to Donawa	NYCMCS provides additional meal claim forms that the school submits to the city agency that handles free/reduced price lunch reimbursement. It is the <i>only</i> mechanism that the school can use to request reimbursement for students qualifying for free/reduced price lunch under the NSLP.
S	24 January 2012 Donawa Email to Le	Ms. Donawa states the documentation is not acceptable, with no guidelines.
T	24 January 2012 Le Email to Donawa	NYCMCS informs Ms. Donawa again that the school has been reaching out to Mr. Himsworth to secure validation of its documentation. The school also provides an explanation as to how the meal claim form fits the requirements stated under Option 1 and Option 2 from the original PIA request in Exhibit B.
U	24 January 2012 Donawa Email to Le	Ms. Donawa states the documentation was rejected because it was not from the New York State Department of Education. This documentation is the only means of reimbursement claim available to the school, given that it is based in New York City and uses New York City Department of Education food service.
V	28 January 2012 Le Email to Donawa	NYCMCS provides the LEA code that Ms. Donawa requests in Exhibit U.
W	28 January 2012 Le Email to Himsworth	NYCMCS sends a third email requesting validation of its meal forms and poverty data.
X	29 January 2012 Himsworth Email to Donawa	The State E-rate Coordinator validates the data before the January 31, 2012 deadline, and states that as noted in all communications, that NYCMCS is a school operating



		under the NYC Chancellor's Office, aka as the New York City Department of Education.
Y	29 January 2012 Donawa Email to Le	Ms. Donawa informs NYCMCS that the application was already put in the wave, presumably at 20%
Z	29 January 2012 Le Email to Donawa	NYCMCS emails Donawa seeking clarification of the deadlines that she had set, and requesting that the application be pulled.
	31 January 2012 USAC FCDL	Deadline that Ms. Donawa provided to receive either validation or documentation of the school's discount eligibility. Instead, this date is the issue date for the FCDL approving Priority 1 services at 20%.



FEB 11 2013

FCC Mail Room



Universal Service Administrative Company  
Schools and Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2011-2012**

May 23, 2012

Gina Sardi  
New York City Montessori Charter School  
416 Willis Avenue  
New York, NY 10454

Re: Applicant Name: NEW YORK CITY MONTESSORI  
CHARTER SCHOOL  
Billed Entity Number: 16061735  
Form 471 Application Number: 816793  
Funding Request Number(s): 2220999, 2221020, 2221036, 2221175  
Your Correspondence Dated: March 30, 2012

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2011 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2220999, 2221020, 2221036, 2221175  
Decision on Appeal: **Approved**  
Explanation:

- Your appeal has brought forward persuasive information that the funding requests cited above should be approved for funding at the 90% discount rate.

Since the Administrator's Decision on Appeal modifies funding for your application, USAC will issue a Revised Funding Commitment Decision Letter (RFCDL) to you and to each service provider that will provide the services approved for discounts in this letter. USAC will issue the RFCDL to you as soon as possible. If your appeal included Internal Connections at a discount level that has not yet been approved for funding, an RFCDL will be issued for those funding requests once USAC determines if there will be sufficient funds to make commitments at your discount level. The RFCDL will inform you of the precise dollar value of your approved funding request(s). As you await the

RI FCDL, you may share this Administrator's Decision on Appeal with the relevant service provider(s).

If the original FCDL approved funding in part for the services covered by this appeal, the 120 day deadline for filing Forms 486 is determined based on the date of the original FCDL that approved funding for the request(s). However, if the original FCDL denied funding for the services covered by this appeal, Forms 486 cannot be filed until you have received your RI FCDL.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company

Paul Le  
E-rate  
342 East 119th St., Suite 3a  
New York, NY 10035

Billed Entity Number: 16061735  
Form 471 Application Number: 816793  
Form 486 Application Number:



888-203-8100

Paul Le



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## Actions



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FEB 11 2013

FCC Mail Room

May 30 2012

Paul Le <erate apps@gmail.com>  
To: Tim Curtin  
Re: NYCMCS

Hi Tim,

Hope you and your son enjoyed graduation, I trust that this pivotal next step also means some positive emancipation for you as well!

I received your appeal approval letter in the mail today and I just had one quick question, given that the school's 120 day deadline to file a Form 486 is actually today, Wednesday, May 30. It's unclear whether the letter states that the deadline to file the Form 486 is in fact today, or 120 days from an RFCDL. On one hand, the original FCDL, which included all of the school's P1 requests, did approve funding, it did so at 20%, which to me is a denial of funding for services at 90%.

Can you advise as to whether I should file the Form 486 today or wait for the RFCDL?

P

On May 9, 2012, at 9:04 AM, Curtin, Tim wrote

That's fine. My number is 973 581 5038

Original Message

From: Paul Le [mailto:erate apps@gmail.com]  
Sent: Wednesday, May 09, 2012 1:07 AM  
To: Curtin, Tim  
Subject: NYCMCS

Hi Tim

Hope all is well. I received your voicemails and returned it today. Would you have time sometime today to talk over the phone? I'm headed to meetings from 10:30 until late afternoon, but can try and touch base after or at 10 am before you head off on your days off.

Thanks  
Paul

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